

1710.03 Adding Rotenone to State Waters.

Issued January 1, 1994

SUBJECT: Adding Rotenone to State Waters.

APPLICATION: Executive Branch Departments and Sub-units.

PURPOSE: This prescribes the process to follow and approvals needed to use Rotenone in State waters.

CONTACT AGENCY: Department of Natural Resources (DNR) - Surface Water Quality Division.

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SUMMARY: Water Resources Commission (WRC) approval is required to use Rotenone for fisheries management. In general, an agency is to apply for approval through the Surface Water Quality Division, DNR. Reviews are conducted by various technical staff, and recommendations forwarded to the WRC for action. Failure to comply with approval conditions can result in orders and fines up to \$25,000 per day per violation.

APPLICABLE FORMS: None.

PROCEDURES:

WRC:

- Reviews and approves the application of materials for water resource management purposes under its General Rules, Part 4. Water Quality Standards, R323.1097, "Materials application not subject to standards", which reads:
"Rule 97. The application of materials for water resource management projects pursuant to State statutory provisions is not subject to the standards prescribed by these rules, but all projects shall be reviewed and approved by the commission before application."

This rule has been used for projects such as the application of fish toxicants for lamprey control, and lake or stream reclamation; the sampling of fish populations with rotenone; the control of black flies using a specific bacterial strain (Bti); and water modeling studies using various dyes.

Agency:

- Submits an application, to the Executive Secretary of the Commission, requesting approval to conduct each project.
 - The application shall include:
 - The name of the water body involved.
 - The area or length of treatment/study, including any detoxification areas.
 - The type of material or toxicant to be used (including detoxicants).
 - The time period when treatment/study will occur.
 - Necessary measures for collection and disposal of fish.
 - Proposed notification process.

DNR:

- Proposed projects are reviewed, as appropriate, by Fisheries Division, Wildlife Division, Water Supply Division of the Department of Public Health, and the Surface Water Quality Division.

- Comments on proposed projects are requested within 2 weeks.
- Requests for specific notifications, conditions or modifications are reviewed and, where appropriate, are appended to the treatment proposals in the briefing memorandum to the Commission. When approved, they become a requirement for the treatment.
- After review of the proposed project is completed, prepares a Commission briefing memo. The request is scheduled for Commission action at a regular monthly meeting.
- In addition, a proposed Certification of Approval will be presented to the Commission with appropriate limitations, conditions and monitoring requirements. Where applicable, the authorization should include:
 - Physical description of a specific, designated project area within the water body.
 - Specified times of authorization.
 - A requirement that, generally, a week before an approved project is to begin, the following organizations are to be notified if the project is in their area of responsibility: Department regional directors, district office staff of Law, Fisheries, Surface Water Quality, and Land and Water Management Divisions, as well as the Pollution Emergency Alerting System (PEAS) coordinator, the Fisheries Division office and local health departments. When a water supply may be involved with a project, the Water Supply Division (DPH) and local water treatment plant operators are to be notified at least 1 week in advance of any project. Under emergency conditions, a shorter notification period may be permitted.
 - A requirement that the receiving water be non-toxic at the end of the designated project area.
 - Monitoring, as appropriate, including number and species of fish killed; means to detect movement of materials beyond designated project area; and means to detect any fish kill outside the designated project area.
 - As appropriate, a requirement that all dead fish be removed and properly disposed of.
 - Requirement of a post-project evaluation report covering, as appropriate, the number and species of fish killed, a description of any impacts outside the designated project area, and impacts on non-target organisms.
- Following approval of the project by the Water Resources Commission, sends a transmittal letter to the applicant with the signed Certification of Approval, indicating any special required conditions or notifications prior to treatment.
 - Notifies the following agencies of the project approvals: DNR Fisheries Division, Land and Water Management Division, Wildlife Division, Surface Water Quality Division, PEAS coordinator and affected DNR regional directors and DPH Water Supply Division where a project is to be carried out.
 - Environmental conditions sometimes require project additions. These additions are submitted to the Executive Secretary of the WRC.
 - The same review and comment process is followed as for other projects, but can be expedited on request in emergency situations.

WRC Executive Secretary:

- May issue emergency approval of a project, upon determination that:
 - It is essential that the project take place prior to the next Commission meeting, and that;
 - The terms and conditions of the project are consistent with WRC approved projects.
- Reports any such emergency approval to the Commission at its next meeting.

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